



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

June 14, 2011

1106-VS-04

Exhibit 1

**Petition Number:** 1106-VS-04

**Subject Site Address:** 15630 Joliet Road

**Petitioner:** Alex Egan

**Request:** The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.030, B, 5) to reduce the road frontage requirement from 250 feet to 198 feet, in order to allow property to be split in the AG-SF1 District.

**Current Zoning:** AG-SF1

**Current Land Use:** Residential

**Approximate Acreage:** 12.2 acres

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Plans

**Staff Reviewer:** Kevin M. Todd, AICP

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**Petition History**

This petition will receive a public hearing at the June 14, 2011 Board of Zoning Appeals meeting.

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**Property Location & Description**

The subject property is located on the west side of Joliet Road, just north of 156<sup>th</sup> Street; it is commonly known as 15630 Joliet Road (the "Parent Property"). The Parent Property and all surrounding property is zoned AG-SF1. Near its northeast corner, the Parent Property surrounds a small cemetery (the "Cemetery") on three sides. To the north and west are similar large-lot residential estates. To the east is a large indoor horse stable and associated residence. To the south is a single-family residence. The lot to the south shares a driveway with the Parent Parcel.



### **Petition Description**

The petitioner would like to split the 12.2 acre property into two properties. The existing residential building and its associated buildings would be on one parcel (approximately 5.8 acres, as described in the legal description in Exhibit 3). This parcel would have 250 feet of road frontage and would comply with the minimum AG-SF1 standards for lot size and road frontage.

The second parcel that would be created would be north of existing residence (the "Parcel"). The Parcel currently does not have any structures on it, and it surrounds the Cemetery on three sides. The Parcel would be approximately 6.4 acres in size and would have a combined 198 feet of road frontage on Joliet Road (approximately 117 feet north of the Cemetery and 81 feet south of the Cemetery). The Property would be 52 feet short of complying with the AG-SF1 requirement for road frontage, but it more than doubles the minimum acreage requirement (which is 3 acres). The Cemetery has approximately 281 feet of frontage on Joliet Road.

The petitioner's request to reduce the road frontage from 250 feet to 198 feet on the Parcel would result in a 21 percent reduction of the required road frontage amount. The Zoning Ordinance establishes a maximum density of 0.33 dwelling units per acre in the AG-SF1 District (1 dwelling unit per 3 acres). The proposal to split the Parent Parcel into two residential parcels would result in a density of the property going from 0.08 units per acre to 0.16 units per acre.

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### **Procedural**

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variances would be injurious to the public health, safety, morals, and general welfare of the community. The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") provides insight into the community's morals and general welfare, and it recommends that this area be used for large-lot detached residential. Two residential lots that are approximately 6 acres each would meet the Comprehensive Plan's vision.



*2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. As proposed, the large-lot residential density would remain less than what would be allowed by ordinance. Feedback from adjacent property owners should provide insight about the impact on adjacent properties.

*3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

**Finding:** Strictly applying the zoning ordinance would not allow the Parent Property to be split because one of the new parcels would not meet the minimum road frontage requirement of the AG-SF1 District. The location of the Cemetery provides an uncommon situation, however, because it breaks up the Parcel's road frontage.

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### **Recommendations**

If the Board finds that the use and value of adjacent property will not be affected in a substantially adverse manner, then approve 1106-VS-04 based on the findings of this report.